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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/033,129	12/27/2001	Yen Choo	8325-2001.30	1808
23419	7590	12/12/2003	EXAMINER	
COOLEY GODWARD, LLP 3000 EL CAMINO REAL 5 PALO ALTO SQUARE PALO ALTO, CA 94306			MCKELVEY, TERRY ALAN	
			ART UNIT	PAPER NUMBER
			1636	

DATE MAILED: 12/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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10033129

EXAMINER

ART UNIT

PAPER

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**Commissioner for Patents**

The reply filed on 4/1/03 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): 1) The Sequence Rules were not fully complied with as required. For example, indicating that sequences are "an alignment" in Figures 2 and 12 does not negate the fact that the sequences are disclosed. Also, the single sequence identifiers disclosed in those figures do not match any of the disclosed sequences. 2) Indicating that "... Applicants note that upon indication of allowability of claims 1-41, they will consider preparing and submitting a terminal disclaimer ..." is not a proper response to the double-patenting rejection because it is not either an argument concerning the rejection or an indication that a TD will be filed. "Consider preparing" is not an actual commitment to filing a TD and thus is not a proper response. See 37 CFR 1.111. Since the above-mentioned reply appears to be bona fide, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Certain papers related to this application may be submitted to Art Unit 1636 by facsimile transmission. The faxing of such papers must conform with the notices published in the Official Gazette, 1156 OG 61 (November 16, 1993) and 1157 OG 94 (December 28, 1993) (see 37 C.F.R. § 1.6(d)). The official fax telephone number for the Group is 703-872-9306. NOTE: If Applicant does submit a paper by fax, the original signed copy should be retained by applicant or applicant's representative. NO DUPLICATE COPIES SHOULD BE SUBMITTED so as to avoid the processing of duplicate papers in the Office. Any inquiry concerning rejections or other major issues in this communication or earlier communications from the examiner should be directed to Terry A. McKelvey whose telephone number is (703) 305-7213 until January 14, 2004, and (571) 272-0775 after January 14, 2004. The examiner can normally be reached on Monday through Friday, except for Wednesdays, from about 7:30 AM to about 6:00 PM. A phone message left at this number will be responded to as soon as possible (i.e., shortly after the examiner returns to his office). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dr. Remy Yucel can be reached on (703) 305-1998. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0196.

**TERRY MCKELVEY**  
PRIMARY EXAMINER